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Program for a Seminar in Tokyo for the JMC (Japan Machinery Center for Trade and Investment)

Seminar: Japanese Exporters between Extra-Territorial Constraints from US and Chinese Export Control Law: What Should they Do?

Part 1: Export Control Law of China (and US sanctions):

Case 1: Japanese Company exporting from China:

- Which goods are covered? How does it affect Japanese Companies?
- Is there a risk of blacklisting? And of fines or damage compensation?

Case 2: Japanese company which collaborates closely with seven US-listed Chinese companies:

- Effects of listings under Entity List and CMIC List?
- Is there a risk of black-listing and of anti-boycott under MOFCOM Order 1/2021?

Part 2: Human Rights and UFLPA (Uyghur Forced Labour Prevention Act)

Case 3: Japanese Company exporting from various countries, inter alia from China, for doing trade with USA, which is trading with (1) Hetian Taida Apparel Co. Ltd, and with (2) Maung Maung Soe:

- <Background: Hetian Taida Co. Apparel Co. Ltd.: listed on UFLPA Entity List, and Ms. Soe on the US GLOMAG (Global Magnitsky) List (SDN E.O. 13918)>
- What must be checked under UFLPA to secure importation into the USA? Due Diligence especially concerning Xinjiang province forced labor and UFLPA Entity List?
- What must be checked under GLOMAG? Can a supporting Japanese company be listed?
- The Human Rights Approach of EU: Human Rights Regulation 2020/1998 and the German Supply Chain Act: What do they mean for Japanese companies with residence in the EU?

Part 3: US-Semiconductor Rule

Case 4: Japanese company producing semi-conductors (listed 3A090) by the help of its own production equipment, the main components of which were imported from the USA some time ago:

- What are the direct products from US technology: the layout of circuits, the circuits, or the derived machines?
- What do the Supercomputer FDP Rule, the End-Use FDP Rule, and the Entity List FDP Rule mean? <FDP = Foreign Direct Products>
- What must be checked under these Rules?
- Remarks on the US Chips and Science Act and on the European Chips Act.

Part 4: US Secondary Sanctions

Case 5: Japanese company doing trade with Russian Helicopters or with Gazprom:

- <Background: JSC Russian Helicopters is US-listed on: MEU-List, SSI Directive 3 and Art.231 CAATSA, Gazprom is US listed under E.O. 13661/13662>

- Checks under Art.228/231 CAATSA and under E.O. 13661/13662
- What is a “substantial” transaction or a “substantial” support for such a transaction? Could the Japanese company be US-listed?

Conclusions

Speaker:

Dr. Harald Hohmann is attorney specializing in export trade law, sanctions law, and customs law (all: including EU and US Law), in the law-firm Hohmann Rechtsanwälte (www.hohmann-rechtsanwaelte.com) . He advises and represents companies in EU Member States, Switzerland, USA, Japan and China in export, embargoes, and customs law. He is a “leading name in export trade and customs law” (*JUVE*), he is “well known for his profound practitioner’s expertise in EU and US export control law and sanctions” (*Who’s Who in Law*), Harald belongs to “Germany’s Best Attorneys” (*Handelsblatt*) and to a “Leading Law Firm: Export Trade Law” (*Legal 500*). He holds two PhD, has published eight books on export law, and has a teaching position at the University of Frankfurt (and part-time visiting at Osaka City University).